

RESPONSE AND REMARKS

SPECIFICATION

In the Final Office Action, the Examiner objected to use of various trademarks as used in the specification and indicated that the trademarks should be capitalized wherever they appear. Responsive to the Examiner's objections to the use of trademarks, further amendments to the specification are submitted herewith. The further amendments to the specification identify trademarks used in the specification, reference the proprietary nature of those trademarks through the use of the "TM" symbol, and equate the TM-designated trademark with both an all-capitalized version of the trademark and with alternative ways in which the trademarks appear in the specification.

EXAMINER'S CLAIM INTERPRETATION

In the Final Office Action, the Examiner stated that, "giving then [sic] broadest reasonable interpretation . . . these three weights ["billable weight", "dimensional weight" and "ratable weight"] are the same or equal. For examination purposes they have been treated with that interpretation." Final Office Action, Numbered Item 12, page 5. In response to the Examiner's comments regarding the three weights, the independent Claims of the present application have been amended to more clearly distinguish between the three weights.

In response to the Examiner's comments regarding the three weights, independent Claims 1-3, 8-10, and 15-17 have been amended to, in one way or another, clarify that dimensional weight is determined, or calculated, " . . . according to a set of physical dimensions of the respective particular parcel in view of a physical weight of the respective particular parcel."

In further response to the Examiner's comments regarding the three weights, independent Claims 22-24, 29-31, and 36-38 have been amended to, in one way or another, clarify that "billable weight comprises a selection of one of . . . actual weight, dimensional weight, oversize weight or letter weight . . ."

In yet further response to the Examiner's comments regarding the three weights, independent Claims 43, 48, and 53 have been amended to clarify that ". . . each respective set of carrier-specific ratable weight determination rules comprises a carrier-specific examination of at least one of: a carrier-specific dimensional weight and a carrier-specific billable weight."

SECTION 102

In the Final Office Action, the Examiner renewed rejection of Claims 1-6, 8-13, 15-20, 22-27, 29-34, 36-41, and 43-57 under section 102(b) as being anticipated by Nicholls et al. (U.S. Patent No. 5,485,369; "Nicholls").

In the Final Office Action, the Examiner interpreted the previous response as arguing that Nicholls is not directed to multiple users and a plurality of carriers.

It is respectfully submitted that, in order ``[t]o anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter.'' PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558 (Fed. Cir. 1996). It is respectfully submitted that, for the following reasons, the independent claims of the present application, as amended, are not anticipated by Nicholls, or by any other reference of record.

There is no dispute that Nicholls discloses that a Nicholls system supports rating for multiple carriers. Indeed, the Examiner's citation to Figure 2 of Nicholls supports, in part, rating in a Nicholls system for multiple carriers.

Further, there is no dispute that, consistent with the disclosure of Nicholls, distinct versions of a Nicholls system could be installed for each distinct user in order to serve multiple users wherein each user has a user-specific origin identifier. However, as further explained below, there lies the important and patentable difference between the claims of the present application as currently amended and Nicholls.

As compared to installing a distinct version of a Nicholls system for each distinct user in order to serve a plurality of users wherein each user has a user-specific origin identifier, the Claims of the present application, as amended, are

directed to a single system ("A . . . system") that is programmed to receive input from a plurality of users and perform a responsive action regarding each respective user's input, wherein each user has a user-specific origin identifier.

To more particularly point out the distinction between, on the one hand, distinct versions of a *Nicholls* system that could be installed for each distinct user, and on the other hand, the claims of the present application, the independent Claims (namely, Claims 1-3, 8-10, 15-17, 22-24, 29-31, 36-38, 43, 48, and 53) have been amended to recite that ". . . a user-specific origin identifier is associated with each respective user . . .".

It is respectfully submitted that *Nicholls*, including Figure 3A of *Nicholls* as cited by the Examiner, does not disclose a *single Nicholls* system that is directed to multiple users wherein a *user-specific origin identifier is associated with each respective user*. Rather, as disclosed in *Nicholls*, each *Nicholls* system must be "preprogrammed [with a] set of rules which are reflective of a *given shipper's predefined set of shipping requirements*." *Nicholls*, Col. 2, lines 31-34 (emphasis added). See also, *Nicholls*, Col. 1, lines 59-61 (". . . facilitates the process of shipping goods by *a* shipper having a predefined set of shipping requirements via a carrier having a predefined rate structure." (Emphasis added)); *Nicholls* at Col. 4, lines 55-60 ("The presently preferred embodiment facilitates the particular Shipper's requirements . . . in one or more client applications. *These client applications may be customized to conform quite closely to a given shipper's operation.*" (Emphasis added)).

As compared to installing a distinct version of a *Nicholls* system for each distinct user in order to serve a plurality of users with user-specific origin identifiers, independent Claim 1 is directed to "[a] shipping management computer system, . . .[that is] programmed to: receive from each respective user of a plurality of users, a respective input of a respective set of parcel specifications for a respective particular parcel, wherein a user-specific origin identifier is associated with each respective user . . .". Similarly, independent Claim 8 is directed to "[a] method using a *computer system* . . .", and independent Claim 15 is directed to "[a] computer program product embodying computer

program instructions for execution by a *computer system* . . .", for "...receiving from each respective user of a plurality of users, a respective input of a set of parcel specifications for shipping a respective particular parcel, wherein a user-specific origin identifier is associated with each respective user . . .".

Further, as compared to installing a distinct version of a *Nicholls* system for each distinct user in order to serve a plurality of users, independent Claim 2 is directed to a single system ("A . . . system") that is programmed to receive input from a plurality of users and perform a calculation responsive to each respective user' input, in that Claim 2 recites "[a] shipping management computer system . . .[that] is programmed to: receive from each respective user of a plurality of users, a respective input of a respective set of parcel specifications for a respective parcel to be shipped by the respective user, wherein a user-specific origin identifier is associated with each respective user . . ." and then, "in response to a request by any particular respective user of the plurality of users to ship a particular respective parcel, calculate, for each respective carrier of a plurality of carriers, a respective carrier-specific dimensional weight . . .".

Similarly, independent Claim 9 is directed to "[a] method using a *computer system* . . ." comprising "receiving from each respective user of a plurality of users, a respective input of a respective set of parcel specifications for a respective parcel to be shipped by the respective user, wherein a user-specific origin identifier is associated with each respective user, . . ." and then, "in response to a request by any particular respective user of the plurality of users to ship a particular respective parcel, calculating, for each respective carrier of a plurality of carriers, a respective carrier-specific dimensional weight . . .".

And similarly, independent Claim 16 is directed to "[a] computer program product embodying computer program instructions for execution by a *computer system* . . .", for " . . . receiving, from each respective user of a plurality of users, a respective input of a respective set of parcel specifications for a respective parcel to be shipped by the respective user, wherein a user-specific origin identifier is associated with each respective user, [and] for calculating, in response to a request by any particular respective user of the plurality of users to

ship a particular respective parcel, for each respective carrier of a plurality of carriers, a respective carrier-specific dimensional weight . . .".

Amendments to the other independent Claims (namely, Claims 3, 10, 17, 22-24, 29-31, 36-38, 43, 48, and 53) to recite that ". . . a user-specific origin identifier is associated with each respective user . . .", similarly more particularly point out the distinction between the claims of the present application, on the one hand, and distinct versions of a Nicholls system that could be installed for each distinct user with a user-specific origin identifier, on the other hand.

As compared to being pre-programmed to reflect a *given* shipper's pre-defined set of shipping requirements as with Nicholls, the claims of the present application are directed to a single system, or to a method using a *computer system*, or to a computer program product for execution by a *computer system*, as the case may be, that is responsive to *respective* users of a *plurality* of users wherein a user-specific origin identifier is associated with each respective user.

It is respectfully submitted that this distinction between Nicholls and the claims of the present application is a patentable one. The distinction is patentable because, in order to communicate with each respective user of a plurality of users "wherein a user-specific origin identifier is associated with each respective user", the claimed system must be able to perform the claimed action with respect to each respective user's input, which in the case of, e.g., Claim 1, is to ". . . calculate, for each respective carrier of a plurality of carriers, a respective carrier-specific dimensional weight . . .", with respect to each respective user's input.

Nicholls simply does not disclose that a single Nicholls system is capable of processing more than one origin identifier. To the contrary, as previously noted above, each Nicholls system is "preprogrammed [with a] set of rules which are reflective of a *given shipper's predefined set of shipping requirements*." Nicholls, Col. 2, lines 31-34 (emphasis added).

Accordingly, it is respectfully submitted that Nicholls, whether considered alone or in combination with any other reference of record does not disclose,

anticipate, or suggest a single system that is programmed to provide the features of the claimed subject matter of the present application.

As further distinguished from Nicholls, the amended claims of the present application are directed to applying each carrier's own rules for calculating, determining, and/or using dimensional weight, billable weight, and/or ratable weight. The Examiner correctly cites Nicholls' disclosure of an "I/O Token" named "DIMWT" that is described as "dimensional weight" (Nicholls, Cols. 21-22, line 65). The Examiner cites Nicholls at Col. 5, lines 34-40 ("... servers such as rate servers encode the knowledge required to answer questions such as how to calculate shipment rates or how to band shipments. Thus, rate servers provide the knowledge regarding a specific carrier's requirements. ") to support the proposition that Nicholls discloses "determin[ing] a dimensional weight . . . and uses the weight to calculate rates for the shipment." However, it is respectfully submitted that the disclosure by Nicholls to "calculate shipment rates" and "provide the knowledge regarding a specific carrier's requirements" does not disclose use of carrier-specific dimensional weight calculation rules as recited by amended independent Claims 1-3, 8-10, and 15-17 for determining or calculating a respective carrier-specific dimensional weight " . . . according to a set of physical dimensions of the respective particular parcel in view of a physical weight of the respective particular parcel."

The Examiner also cites Nicholls at Col. 25-26, line 39 (an "I/O Token" named "DIMRATE" that is described as a Boolean field ("1" or "0"), the value of which is described as "use dimensional rating") to support the proposition that Nicholls discloses "determin[ing] a dimensional weight . . . and us[ing] the weight to calculate rates for the shipment." However, it is respectfully submitted that an "I/O Token" that signals "use dimensional rating" does not disclose the subject matter of the claims as amended that recite use of carrier-specific dimensional weight calculation rules and/or use of service-specific, carrier-specific parcel shipping pricing rules for determining or calculating a respective carrier-specific dimensional weight " . . . according to a set of physical dimensions of the

respective particular parcel in view of a physical weight of the respective particular parcel."

Further, the claims as amended distinguish between dimensional weight, billable weight, and ratable weight. It is respectfully submitted that Nicholls, alone or in combination with any other reference of record, does not disclose, anticipate, or suggest, a system that calculates, determines and/or uses, a billable weight or a ratable weight as claimed in amended independent Claims 22-24, 29-31, 36-38, 43, 48, and 53.

Accordingly, it is respectfully submitted that Nicholls, whether considered alone or in combination with any other reference of record, does not disclose, anticipate, or suggest, the subject matter of the amended claims of the present application.

SECTION 103

In the Final Office Action, the Examiner renewed rejections of Claims 7, 14, 21, 28, 35, and 42 (the "section-103-rejected claims") under 35 U.S.C. 103(a) as being unpatentable over Nicholls in view of Kara et al. (U.S. Patent No. 6,233,568; "Kara").

First, for the reasons given above, it is respectfully submitted that Nicholls, alone or in combination with any other reference of record, does not disclose, anticipate, or suggest, the subject matter of the amended claims of the present application. Further, the Examiner concluded that the section-103-rejected claims were unpatentable over Nicholls in view of Kara on the grounds that "Kara discloses a computer program used for multiple shippers that displays that [sic] calculate shipping rates of multiple carriers for multiple services (citing Kara, FIG. 8, and Kara, col. 22, lines 20-38). However, it is respectfully submitted that Kara does not disclose, anticipate, or suggest, alone or in combination with any other cited reference, a display of shipping rates for a plurality of services offered by a plurality of carriers where, as in the case of Claims 7, 14, and 21, the shipping rates were calculated only after comparing carrier-specific dimensional weights to a carrier-specific dimensional weight limitation, wherein the dimensional weight is

calculated or determined " . . . according to a set of physical *dimensions* of the respective particular parcel in view of a physical *weight* of the respective particular parcel . . .".

Further, Claims 7, 14, and 21 are dependent claims that are directed to generating a display of shipping rates -- the shipping rates that are to be displayed, e.g., in Claim 7, were calculated only after comparing (in Claim 4) carrier-specific dimensional weights (that were calculated in Claim 3) to a carrier-specific dimensional weight limitation (in Claim 4). There is no disclosure in either Kara or Nicholls of displaying shipping rates for a plurality of services offered by a plurality of carriers where, as in the case of Claims 7, 14, and 21, the shipping rates were calculated only after comparing carrier-specific dimensional weights to a carrier-specific dimensional weight limitation wherein the dimensional weight is calculated or determined " . . . according to a set of physical *dimensions* of the respective particular parcel in view of a physical *weight* of the respective particular parcel . . .".

Accordingly, it is respectfully submitted that neither Kara nor Nicholls, alone or in combination with each other or with any other reference of record, disclose, anticipate, or suggest, the subject matter of amended Claims 7, 14, and 21 of the present application.

As further distinguished from Kara nor Nicholls, whether considered alone or in combination, the section-103-rejected claims of the present application are directed to a display of calculated shipping rates for each service of a *plurality of services* offered by each supporting carrier of a plurality of carriers. As compared to calculating shipping rates for each service of a *plurality of services* offered by each supporting carrier of a plurality of carriers, in Kara, the "program automatically calculates the [shipping] fees for each shipping service provider offering service commensurate with the desired shipping and/or delivery parameters." Kara, col. 22, lines 39 – 42 (emphasis added). That is, the user must first indicate a type of service (e.g., Overnight, or Same Day, or Next Day, or 2-Day, or 3-Day); Kara discloses then calculating the shipping rate for each carrier that supports the selected type of service; only one rate per carrier is

calculated. As compared to the disclosure of Kara that requires that the user first indicate a type of service, the section-103-rejected claims of the present application are directed to a display of calculated shipping rates for each service of a *plurality of services* offered by each supporting carrier of a plurality of carriers.

In the Final Office Action, the Examiner states that "Nicholls discloses that weight is a factor in determining the calculated rate (See Figure 4D), and Kara discloses that each class has set weight limitations (Column 2, lines 62-67). Therefore if these things are automatically factored into the calculation of rates, then it is obvious that the rates are displayed after the comparison is done."

It is respectfully submitted that physical weight of a parcel is distinguishable from dimensional weight in that dimensional weight is calculated or determined " . . . according to a set of physical *dimensions* of the respective particular parcel in view of a physical *weight* of the respective particular parcel." Further, it is respectfully submitted that there is no disclosure in either Nicholls or Kara of use of carrier-specific dimensional weight calculation rules and/or use of service-specific, carrier-specific parcel shipping pricing rules for determining or calculating a respective carrier-specific dimensional weight " . . . according to a set of physical *dimensions* of the respective particular parcel in view of a physical *weight* of the respective particular parcel."

There is no dispute that the cited references disclose that physical weight is considered in a calculation of rates. However, it is respectfully submitted that the Examiner's question that " . . . if these things are automatically factored into the calculation of rates . ." (Final Office Action, Numbered Topic 17, page 6) does not constitute a disclosure in either of the cited references that dimensional weight, billable weight or ratable weight are "automatically factored into the calculation of rates . ." Further, it is respectfully submitted that a rate calculation based in part on a dimensional weight, which is calculated or determined " . . . according to a set of physical *dimensions* of the respective particular parcel in view of a physical *weight* of the respective particular parcel . ." is patentably

distinguished from a rate calculation that is more simplistically based on physical weight alone.

Further still, neither *Kara* nor *Nicholls* disclose calculation or determination of a billable weight that ". . . comprises a selection of one of . . . actual weight, dimensional weight, oversize weight or letter weight . . ." as claimed in amended independent Claims 22-24, 29-31, and 36-38; neither *Kara* nor *Nicholls* disclose a rate calculation that considers a billable weight that ". . . comprises a selection of one of . . . actual weight, dimensional weight, oversize weight or letter weight . . ." as claimed in claims that are dependent on amended independent Claims 22-24, 29-31, and 36-38.

Yet further, neither *Kara* nor *Nicholls* disclose calculation or determination of a ratable weight that is calculated or determined by examining ". . . at least one of: a carrier-specific dimensional weight and a carrier-specific billable weight . . ." as claimed in amended independent Claims 43, 48, and 53; neither *Kara* nor *Nicholls* disclose a rate calculation that considers a ratable weight that is calculated or determined by examining ". . . at least one of: a carrier-specific dimensional weight and a carrier-specific billable weight . . ." as claimed in claims that are dependent on amended independent Claims 43, 48, and 53.

Accordingly, it is respectfully submitted that neither *Kara* nor *Nicholls*, alone or in combination, disclose, anticipate, or suggest the subject matter of the amended claims of the present application.

SUMMARY

For the foregoing reasons and authorities, because independent Claims 1-3, 8-10, 15-17, 22-24, 29-31, 36-38, 43, 48, and 53 (as amended), are patentable over the cited references, Applicant respectfully submits that dependent Claims 4-7, 11-14, 18-21, 25-28, 32-35, 39-42, 44-47, 49-52, and 54-57, are therefore also patentable over the cited references.

In view of the foregoing reasons and for the reasons previously given, it is respectfully submitted that the invention disclosed and claimed in the present amended application is not fairly taught by any of the references of record, taken

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either alone or in combination, and that the application is in condition for allowance. Accordingly, it is respectfully requested that the present application be reconsidered and allowed.

Respectfully submitted,

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